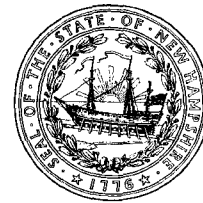




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 05-054**

December 13, 2005

James Pinsonault, Sr.  
10 Spruce Ave  
Claremont, NH 03743

RE: DES Wetlands File #2005-00760 Lear Hill Rd, Unity

Dear Mr. Pinsonault:

On October 21, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Unity Tax Map 8 as Lot 299-1A (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. The culvert closest to the house had been undersized. The approved Permit by Notification calls for a 15" culvert.
2. Additional fill had been brought in to construct a garage adjacent to the wetland on the east side of the driveway. The fill had not been stabilized and no erosion controls were installed. The fill eroded into the wetland resulting in approximately 1600 square feet of sediment deposition in the wetland.
3. The wetland restoration on the west side of the driveway had not been re-vegetated.

In response, you are asked to take the following actions;

1. **Immediately** install staked hay bales as temporary erosion control between the fill for the garage and wetland.
2. **No later than June 30, 2006**, using hand tools only remove the sediment in the wetland that is located beside the garage by using hand tools.
3. **Immediately** submit an amendment to the restoration plan to re-size the culvert and provide documentation that the current diameter is sufficient.
4. **No later than June 30, 2006**, re-seed the wetland restoration area with an appropriate wetland seed mix.
5. **No later than July 30, 2006**, permanently stabilize the fill beside the garage to prevent further sediment deposition in the wetland.
6. **Within 10 days of the above referenced deadlines**, provide photo documentation that these requests have been complied with.
7. As a result of the additional deficiencies, the deadline for the final monitoring report as required by the Restoration Plan Approval dated June 30, 2005 will be extended. Submit a final monitoring report **no later than September 30, 2006**, to document that the site has been permanently stabilized, the wetlands restored and that all requirements in the Restoration Approval have been complied with.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066 or by email at [dbuker@des.state.nh.us](mailto:dbuker@des.state.nh.us).

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8431 6519

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Unity Conservation Commission  
Unity Board of Selectmen  
USACOE